

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DARRICK JENNINGS,

Plaintiff,

v.

PAT GLEBE, et al.,

Defendants.

No. C09-5747 RBL/KLS

**REPORT AND RECOMMENDATION  
NOTED FOR: APRIL 16, 2010**

This 42 U.S.C. § 1983 civil rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrates' Rules MJR 1, MJR 3, and MJR 4. Plaintiff has been granted leave to proceed *in forma pauperis*. Dkt. 3.

On January 11, 2010, the court entered an Order requiring plaintiff to submit service forms so that his civil rights complaint can be served. Dkt. 5. The court directed the Clerk to send service forms to the Plaintiff. *Id.*, p. 1. Plaintiff was directed to fill out the forms with complete addresses for the named Defendants and to return the forms so that the court can direct the U.S. Marshal to serve the civil rights complaint by mail upon the named Defendants. *Id.*, p. 2. Plaintiff was specifically advised that his failure to return the forms to the court on or before January 29, 2010 would result in a recommendation that this action be dismissed for failure to

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1 prosecute. *Id.* Plaintiff did not submit the forms or respond to this Order. On March 1, 2010,  
2 the court ordered Plaintiff to show cause why this action should not be dismissed and directed  
3 Plaintiff to show cause why he has not complied with the court's Order of January 11, 2010.  
4 Dkt. 6, p. 2. Plaintiff was directed to show cause on or before March 12, 2010. *Id.* Plaintiff did  
5 not respond to this second order either.

6  
7 As plaintiff has not complied with the court's orders, the court now recommends this  
8 action be **DISMISSED WITHOUT PREJUDICE**.

9 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil  
10 Procedure, the parties shall have fourteen (14) days from service of this Report and  
11 Recommendation to file written objections. See also Fed. R. Civ. P. 6. Failure to file objections  
12 will result in a waiver of those objections for purposes of appeal. *Thomas v. Arn*, 474 U.S. 140  
13 (1985). Accommodating the time limit imposed by Rule 72(b), the clerk is directed to set the  
14 matter for consideration on **April 16, 2010**, as noted in the caption.

15  
16 Dated this 30th day of March, 2010.

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19 Karen L. Strombom  
20 United States Magistrate Judge  
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